

To provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices.

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Mr. SARBANES (for himself and Mr. SASSER) introduced the following bill:
which was read twice and referred to the Committee on Finance

To provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Social Security Admin-
4 istration Services Preservation Act”.

6 SEC. 2. (a) The Congress finds that—

(1) the service philosophy of the Social Security Administration recognizes that the effective administration of programs depends upon the goodwill and acceptance of the public;

1 (2) the Statement of Objectives of the Social
2 Security Administration in the year of 1958 recog-
3 nized that public confidence and cooperation is par-
4 tially based on the locations and appearances of of-
5 fices;

6 (3) the mission of the Social Security Adminis-
7 tration touches the lives of virtually all United
8 States citizens and therefore offices of the Adminis-
9 tration need to be readily accessible to all citizens
10 regardless of residence;

11 (4) many United States citizens, especially
12 many among the handicapped and the elderly, need
13 personal attention to needs and should not be unnec-
14 essarily deprived of access to agency officers;

15 (5) discrepancies exist between the formal pro-
16 cedures for closing, consolidating, and recategorizing
17 Social Security Administration offices and the prac-
18 tice often used;

19 (6) the procedures used for such decisions are
20 inconsistent and often too informal;

21 (7) the procedures used in many closings,
22 moves, and recategorizations have not adequately
23 considered the interests of the individuals affected
24 by the decisions; and

1 (8) all changes in the status and location of So-
 2 cial Security Administration offices should be consid-
 3 ered in such a way as to not undermine public con-
 4 fidence in the Social Security program.

5 (b) The purposes of this Act are to—

6 (1) ensure that the public interest is considered
 7 and protected in all decisions to close, consolidate, or
 8 recategorize Social Security Administration offices;
 9 and

10 (2) establish a fair procedure to be followed in
 11 all such decisions.

12 CONSOLIDATION, CLOSING, OR RECATEGORIZATION OF A
 13 SOCIAL SECURITY ADMINISTRATION OFFICE

14 SEC. 3. Title VII of the Social Security Act is amend-
 15 ed by adding at the end thereof the following new section:

16 “CONSOLIDATION, CLOSING OR RECATEGORIZATION OF A
 17 SOCIAL SECURITY ADMINISTRATION OFFICE

18 “SEC. 712. (a) For purposes of this section, the
 19 term—

20 “(1) ‘adequate public notice’ means the con-
 21 spicuous posting of a formal notice at the affected
 22 office and the mailing of a written notice to at
 23 least—

24 “(A) the employees of the affected office;

25 “(B) the regularly published local press
 26 serving the affected community;

1 “(C) all elected local public officials, com-
2 munity groups, and county, parish, and State
3 welfare offices, and any other affected or rel-
4 evant organization; and

5 “(D) the Members of Congress who serve
6 the area in which the affected office is located;

7 “(2) ‘move’ with respect to an office means any
8 change in the physical location of such office, unless
9 such move is within the same political subdivision
10 and is necessitated by an involuntary loss of a lease
11 or a need for additional space;

12 “(3) ‘office’ includes all field offices, district of-
13 fices, and hearings and appeals offices of the Social
14 Security Administration;

15 “(4) ‘political subdivision’ means a component
16 of a county or large city which has a common civic
17 identity characterized by neighborhood pride, inde-
18 pendence, or homogeneous ethnic, racial, religious,
19 or economic background; and

20 “(5) ‘recategorize’ means the process of scaling
21 down an office to a lesser status or level of function.

22 “(b) The Social Security Administration, after mak-
23 ing a determination as to the necessity for the closing,
24 consolidation, or recategorization of any office, shall pro-
25 vide adequate public notice of such determination at least

1 90 days prior to the proposed date of such closing, consoli-
2 dation, or recategorization. Such notice shall include an
3 invitation for written comments on the proposal and shall
4 include an address for mailing such comments.

5 “(c) When making a determination to close, consoli-
6 date, or recategorize an office, the Social Security Admin-
7 istration shall consider—

8 “(1) the effect of such change on the commu-
9 nity served by such office including the availability
10 of public transportation to any site, the socio-
11 economic status of the community, the caseload of
12 the affected office, and such other factors as the So-
13 cial Security Administration determines are nec-
14 essary;

15 “(2) the need of the community for personal
16 service, relative to mail or telephone service, based
17 on demographic information such as educational and
18 literacy levels;

19 “(3) the effect of such determination on em-
20 ployees of the Social Security Administration at such
21 office; and

22 “(4) the economic savings to the Social Security
23 Administration resulting from the change.

24 “(d) The Commissioner of Social Security or the
25 Deputy Commissioner of Social Security shall approve all

1 preliminary and final determinations to close offices that
2 are open full-time and provide a full range of services. The
3 authority to make other preliminary and final determina-
4 tions may be delegated by the Commissioner.

5 “(e) Any preliminary determination of the Social Se-
6 curity Administration to close, consolidate, or recategorize
7 an office shall be in writing and shall include the findings
8 of the Social Security Administration with respect to the
9 considerations required under subsection (c).

10 “(f) A public hearing shall be—

11 “(1) held upon written request;

12 “(2) held no earlier than 60 days after ade-
13 quate public notice of such hearing is made;

14 “(3) conducted on all proposals to consolidate,
15 close, or recategorize the affected office;

16 “(4) held at or near the location of the affected
17 office; and

18 “(5) conducted by an official designated by the
19 regional or central office.

20 “(g) Within 30 days after the hearing held under the
21 provisions of subsection (f) or after the 90-day period de-
22 scribed under subsection (b), whichever is later, the Social
23 Security Administration shall—

24 “(1) issue a final report that—

1 “(A) incorporates all of the testimony pro-
2 vided at the public hearing and all written com-
3 ments received; and

4 “(B) specifies the final determination of
5 the status of the affected office;

6 “(2) send copies of the final report to the local
7 community press and the appropriate Members of
8 Congress; and

9 “(3) provide adequate public notice of the final
10 determination, including a notice that copies of the
11 full final report may be viewed or obtained, without
12 charge, at the affected office.

13 “(h) A final determination of the Social Security Ad-
14 ministration to close, consolidate, or recategorize an office
15 may be appealed by any person served by such office to
16 the Commissioner of Social Security. Such appeal shall be
17 filed no later than 30 days following adequate public no-
18 tice of the final determination under subsection (g)(3).
19 The Commissioner shall review such determination on the
20 basis of the record before the Social Security Administra-
21 tion in deciding such appeal. The Commissioner shall set
22 aside any determination, finding, or conclusion found to
23 be—

24 “(1) arbitrary, capricious, an abuse of discre-
25 tion, or otherwise not in accordance with the law;

1 “(2) without observance of procedure required
2 by law; or

3 “(3) unsupported by substantial evidence on the
4 record.

5 “(i) No action may be taken to close, move, or
6 recategorize any office during the 30 days following the
7 announcement of a decision nor during the time that any
8 level of appeal is pending.

9 “(j) The Social Security Administration shall include
10 in its annual budget submission to the Congress a list of
11 all offices, as defined under subsection (a)(3), and all con-
12 tact stations that—

13 “(1) were closed or discontinued during the
14 year preceding the date of such submission; and

15 “(2) are scheduled to be closed or discontinued
16 and the date that such action is planned.”.

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